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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,666	12/20/2000	Hiroyasu Yamamoto	Q62094	3947

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SUGHRUE, MION, ZINN, MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER
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LEE, CHEUKFAN

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/739,666	Applicant(s) YAMAMOTO, HIROYASU	
	Examiner Cheukfan Lee	Art Unit 2622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on October 25, 2004 (election).  
 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.  
     4a) Of the above claim(s) 15-21 is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-6 is/are rejected.  
 7) ☒ Claim(s) 7-14 and 22 is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 20 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:  
         1. ☒ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/22/01</u> . | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2622

1. Applicant's election of Species I, corresponding Figs. 1-4 and claims 1-14 and 22, without traverse has been acknowledged. The election was made on the communication filed October 25, 2004.

Non-elected claims 15-21 are thus withdrawn from consideration.

Applicant is notified that a complete reply to a final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01. The current Office Action is non-final.

2. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.

In claim 6, line 6, "entry or exit" creates confusion. Since the Species I corresponding to Figs. 1-4 has been elected, the forward end of the film is understood to be returned to the read and transport path on the exit side after the film is reversed. It is not understood how the film is reversed and then returned to the entry side. The non-elected Specie II has the forward end returned to the entry side, but the film is not reversed. Claim 6 is not a generic claim generic to both Species I and II.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jamzadeh et al. (U.S. Patent No. 5,504,583).

Regarding claim 1, Jamzadeh et al. discloses an image reading method in which a filmstrip (F) (film) having images recorded on a plurality of frames (i3, i4, i5, ... in) in the longitudinal direction is transported to read the images in the frames at an image reading position by an image reading apparatus. A low resolution scan, i.e., a prescan, is performed on all frames of the film (F) first, and then a high resolution is performed on all the frames of the film (F).

The filmstrip (F) is transported in a first direction (designated with an arrow in Fig. 2) along a read and transport path including the image reading position to perform the prescan (first image reading) for reading the images on the plurality of frames by the image reading device, then, the film (F) is transported along the read and transport path in the first direction (the direction designated with the arrow in Fig. 2) to perform the high resolution scan (second image reading) in which the images in the plurality of frames of the film (F) are read by the image reading device in the same sequence of frames that was applied to the prescan (first image reading). Information obtained from the prescan include frame position of the plurality of frames, the type of film (F), the conditions of each image frame, etc.). These information are used for later use in subsequent scan and processing. See col. 6, lines 8-22, lines 46-55, col. 1, lines 35-55, and claim 3 at col. 7, lines 63-67.

With respect to the claimed step of returning a forward end of the film to the read and transport path on an entry or exit side of the read and transport path after the first

Art Unit: 2622

image reading has finished, the limitation "an entry side" is selected in the "entry or exit side" limitation for the purpose of this rejection.

In Jamzadeh et al., the frames of the film (F) are scanned twice as explained above, i.e., a low resolution prescan and a high resolution scan. There is only one arrow showing one direction of the in which the film (F) is transported during both low-resolution prescan and the high resolution scan (Fig. 2). This means that in both scans, the same first frame of the film (F) is transported first in the read and transport path. Nowhere in the Jamzadeh et al. disclosure states that the images of the plurality of frames are stored and that the order of frames is altered after the prescan. Though Jamzadeh et al. does not explicitly disclose returning the film (F) in the first direction (arrow pointing direction), one of ordinary skill in the art would have understood that the frames of the film (F) are read in the same order by the image reading device for both the prescan and high resolution scan. It would have been obvious to one of ordinary skill in the art at the time the invention was made to return the forward end of the film (F) to the entry side of the read and transport path or Jamzadeh et al. so that the same first frame is read first in the high resolution scan in order to keep the positions of the frames the same.

Regarding claim 2, the prescan is at low resolution and the second scan is at high resolution as discussed above.

Art Unit: 2622

Regarding claims 3 and 4, see frame positions, reading conditions and processing conditions generated using the prescan low-resolution image data (col. 6, lines 8-22 and lines 46-55).

Regarding claim 5, the second scan of the film is a high resolution scan as discussed above.

5. Claims 7-14 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is an examiner's statement of reasons for allowance:

Claims 7 and 8 would be allowable because Jamzede et al. does not disclose a loop-shaped transport path so that the forwarding end of the film is returned to the read and transport path, in combination with other limitations of claims 7 and 1.

Claims 9-14 depend upon claim 8, directly or indirectly.

Claim 22 would be allowable because Jamzadeh et al. does not disclose correcting the conditions and performing the second image reading (high resolution scan) in parallel, in combination with other limitations of claims 22 and 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2622

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nakamura et al. (U.S. Patent No. 6,538,717) discloses a method comprising scanning an original in a direction of arrangement of original images to read the original images by pre-scanning, setting up image processing conditions of the read images in a reverse order to a pre-scanning order, processing the read images based on the image processing conditions displaying the processed images, subjecting the displayed images to image verification in the reverse order, and scanning the original in the reverse direction to the pre-scanning direction to read the original images by a main scan as a result of the image verification.

Cosgrove (U.S. Patent No. 5,157,482) discloses a film scanner which perform a prescan at low resolution and a rescan at high resolution. During pre-scan, the film strip is translated in a first direction, and during the high resolution rescan the film is translated in a reverse direction.

Shiota et al. (U.S. Patent No. 6,346,998) discloses a film scanner for performing a prescan and a fine scan both in the same direction or in two opposite directions (Figs. 3-5).

Maruyama et al. (U.S. Patent No. 5,949,479) discloses a film scanner using plural film feed speeds and sampling rates, including performing a pre-scan and a main scan.

Jamzadeh et al. (U.S. Patent No. 5,369,426) discloses an image reading and printing system in which a prescan and a high resolution scan are performed.

Art Unit: 2622

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (703) 305-4867. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cheukfan Lee  
March 16, 2005



Cheukfan Lee